



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591

NOV 13 2001

Exemption No. 5891B  
Regulatory Docket No. FAA-2001-9618

COL David A. Sarver, USAF  
Director of Operations  
HQ AFFSA/XO  
1535 Command Drive, Suite D309  
Andrews AFB, MD 20762-7002

Dear Col. Sarver:

This is in response to your May 2, 2001, letter petitioning the Federal Aviation Administration (FAA) on behalf of the U.S. Air Force (USAF) for an extension of and amendment to Exemption No. 5891, as amended. That exemption from § 91.209(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) permits the USAF to conduct helicopter night-vision flight training operations without lighted aircraft position lights at or below 200 feet above ground level (AGL). The amendment you request would permit the USAF to conduct helicopter night-vision flight training operations without lighted aircraft position lights at or below 500 feet AGL.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

In support of your request for an amendment, you note that USAF helicopter flightcrews are required to conduct tactical, low-level night-vision goggle formation operations. You state that the increase in the maximum altitude from 200 feet AGL to 500 feet AGL would provide a greater margin of safety because it would allow helicopter flightcrews to fly at higher, less hazardous altitudes. You add that the increase in usable airspace would allow valuable training to be accomplished when environmental conditions or other constraints, such as a high density of wires, do not allow training to be conducted safely or effectively at lower altitudes. Furthermore, you state that providing a larger training environment will allow flightcrews to practice and perfect the employment of real-world tactics without the artificial or unnecessary constraints of a smaller training environment.

AFS-01-417-E

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of and amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the USAF.

The FAA has determined that the justification for the issuance of Exemption No. 5891, as amended, remains valid with respect to this exemption.

Please note the FAA has assigned a new docket number to this project (Docket No. FAA-2001-9618; previously Docket No. 24165). In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at <http://dms.dot.gov>. This new docket system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through the DMS.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Exemption No. 5891, as amended, is hereby further amended by (1) extending its April 30, 2002, termination date to April 30, 2005, unless sooner superseded or rescinded, and (2) increasing the maximum altitude at which the USAF is permitted to conduct helicopter night-vision flight training operations without lighted aircraft position lights from 200 feet AGL to 500 feet AGL.

All other conditions and limitations of Exemption No. 5891, as amended, remain the same. This letter shall be attached to, and is a part of, Exemption No. 5891.

Sincerely,



Louis C. Cusimano  
Acting Director, Flight Standards Service